

**From:** Wayne Pinkham  
**To:** Microsoft ATR  
**Date:** 1/16/02 8:00pm  
**Subject:** Microsoft Settlement.

Dear Renata B. Hesse,

I am a computer consultant who has experience in teaching and supporting computers in a private school for learning disabled students. My experience in computer consulting includes technical support for main frame, Unix, Microsoft products and computer networking support. I am a Microsoft Certified Systems Engineer and provide free technical support to computer users in my free time. Much of the free technical support I provide is for users who have problems with Microsoft products.

I have been following the Microsoft Anti-Trust Case and I am glad to see that what would have been the ideal settlement on the side of Microsoft has been challenged. Microsoft's proposed settlement would have not penalized Microsoft, but in fact would have been a great benefit to Microsoft. Their proposal should have raised many questions about the intentions of such an action and the real cost to Microsoft for the proposed settlement.

If Microsoft were to donate software to schools systems they would be given an unfair advantage in marketing their software. I have personally seen this type of marketing launched by Apple Computer Corporation in the 80s. Apple provided all sorts of incentives and reduced prices to school systems to entice them into purchasing computers for the classrooms. The goal of this marketing ploy was to develop the incentive for parents of the students to buy apple computers. This method helped Apple Computers to increase their volume of sales. This settlement would allow Microsoft to use the same tactics in their punishment. Microsoft could introduce new software for the students use and then subtly encourage the parents to purchase the new software. This is a net plus to Microsoft which in fact nullifies and penalties.

If the judgement is to punish Microsoft then it should be felt by Microsoft and its corporate officers. If Microsoft is allowed to donate software then all they have to do is manufacture CDROMs at a cost of less than \$1.00 per copy and charge the market value of the software against their settlement. This is a great deal for Microsoft as they could charge of \$89 for each copy of Windows 98, between \$269 and \$299 for each copy Windows.XP Professional, and between \$189 and \$199 for each copy Windows.XP Home Version. This would effectively produce a pennies on the dollar settlement. This would ultimately be cheaper than an advertising campaign. The net result is that Microsoft effectively feels no pain with this punishment.

Microsoft's launch of Windows.XP would appear to the average American to be

a clear case of Contempt of Court. Microsoft Corporation does not have to comply with the court rulings, just as it does not have court good feelings from their product users.

I would like to see real penalties applied to Microsoft for their actions. The break up of Microsoft would be no more adverse to the economy than the breakup of AT&T. Would we have the telephone and Internet services at the low rates today if AT&T was allowed to continue to operate without the breakup? If Microsoft were to be broken up more innovators would be able to step up and compete. If the breakup is not done then the least that should happen is that Microsoft should be forced into making Windows 95, 98 and Windows NT public domain. Other innovators could then improve those products and offer an alternative to Microsoft.

Thank you for your time and consideration.

Sincerely,

Wayne Pinkham